

**REMARKS**

Claims 1-10 and 21-26 are pending in this application. By this Amendment, claim 1, 3, 6, 8, 21, 23 and 26 is amended and withdrawn, non-elected claims 11-20 and 27-32 are cancelled without prejudice to or disclaimer of the cancelled subject matter. Applicants reserve the right to file a divisional application directed to the cancelled subject matter. No new matter is added.

The courtesies extended to Applicants' representative by Examiners Ge and Chen at the interview held October 10 are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicants' record of the interview.

**I. The Title Is Descriptive**

The Office Action alleges that the Title is not descriptive. By this Amendment, the Title is amended to be more descriptive. Applicants request withdrawal of the objection.

**II. The Claims Define Statutory Subject Matter**

The Office Action rejects claim 26 under 35 U.S.C. §101 as being directed to non-statutory subject matter. By this Amendment, claim 26 is amended to overcome the rejection. Applicants request withdrawal of the rejection.

**III. The Claims Are Patentable Over The Applied Reference**

The Office Action rejects claims 1-10 and 21-26 under 35 U.S.C. §102(e) over U.S. Patent No. 6,791,711 to Uekusa et al. (Uekusa). Applicants respectfully traverse the rejection.

Regarding independent claims 1, 6, 21 and 26, Uekusa fails to disclose (1) "a database that stores identifiers identifying reference objects, items of characteristic quantity information to be used for recognizing, in image data, image objects, and items of color information of the respective reference objects, the characteristic quantity information and the

color information being correlated with each other for the respective reference objects"; and (2) "means for searching the database to retrieve the color information indicating a color of the image object recognized by the image recognition processing and for identifying a color space of the image data by comparing the acquired color information with the retrieved color information."

Uekusa discloses a method for color processing of images so that a printer can output images having colors that match as close as possible the colors input or modified by other devices. For example, images can be input by a scanner or modified by a user on a monitor (col. 1, lines 36-52). In order to facilitate color matching when printing, a color profile that indicates the characteristics of the device through which the image was input or modified is generated (col. 1, lines 36-52). The color profiles enable a printer to output images having colors that match as close as possible the colors input or modified by devices by allowing the printer to compensate for characteristics of the input/modification device.

Uekusa ensures that different objects of an image are not differently processed (resulting in uneven results) because Uekusa discloses that objects in an image are grouped if they are related, such as when multiple objects are parts of a larger object (see Fig. 8). This is disclosed in the method of Fig. 2. In the method of Fig. 2, if a photograph/image is detected (Fig. 2, step S20), histogram information is recorded for the drawing commands in a table such as shown in Fig. 4 (col. 10, lines 49-63). A histogram is created for each drawing command to be corrected (col. 11, lines 62-63). Drawing commands/objects are then grouped (Fig. 2, step S110), and composite histogram information generated and color correction is performed using the histogram information (Fig. 2, step S130; col. 11, lines 51-55). A similar method is disclosed in relation to Fig. 3, steps S210-S270 (col. 14, lines 4-24).

Regarding feature (1) of a database storing reference objects with corresponding items of characteristic quantity information, as discussed during the personal interview, Uekusa's

Fig. 4 discloses a table that stores color information regarding image objects of the current image, not color information of reference objects as claimed.

Regarding feature (2) of identifying the color information of an image object, it is inherent in Uekusa that the color space of the images is known, and thus, Uekusa does not need to identify the color space. For example, if a scanner is used to input an image, the color space will be provided. As a second example, if the image is modified by a user on a monitor, the color space of the image must necessarily be known because the image is displayed.

The Office Action cites to Figs. 3-9 and col. 14, lines 4-24 as disclosing the feature of a means for identifying a color space of an image by comparing acquired color information with reference color information. However, the cited section merely discloses that, when an image drawing command is encountered, the system determines if the object to be drawn was previously entered in the table of Fig. 4 (Fig. 3, step S240; col. 14, lines 6-8). If no, color matching is performed at step S260 (Fig. 3; col. 12, lines 13-16). If yes, the stored histogram information is used (Fig. 3, step S250; col. 14, lines 18-24). Either way, however, Uekusa does not determine a color space of the image based on a comparison of color information of an object with retrieved color information. In contrast, Uekusa discloses that the comparison of Fig. 3, step S240 is done to retrieve information to be used in correcting the object to be drawn. If any information is retrieved from a table such as shown in Fig. 4, this information (1) is not used to determine a color space of an image, but only to process one object; and (2) is information that was originally derived from the same image as the object being drawn, thus is not "retrieved color information" as recited in the claims.

During the personal interview, the Examiners alleged that, at step S260 of color matching, Uekusa identifies a color space of the image data. However, as discussed at the personal interview, Uekusa does not provide any detail of what steps are performed to

implement step S260. That is, Uekusa does not disclose how or what processing is done during the color matching of step S260. First, as discussed above, the system of Uekusa necessarily already knows the color space of the image data because, for example, if the image data is input by a scanner, the resulting color space will be provided by the scanner. The other example of image data creation disclosed by Uekusa, modifying the image data while being displayed on a monitor, indicates that the color space is known, otherwise the image data could not be displayed. Thus, Uekusa's color matching at step S260 does not include "identifying a color space of the image data by comparing the acquired color information with the retrieved color information." Second, even if some determination of color space did occur in step S260, Uekusa does not disclose or suggest that it is done "by comparing the acquired color information with the retrieved color information."


For the foregoing reasons, Applicants request withdrawal of the rejection.

#### **IV. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff  
Registration No. 27,075

Jonathan H. Backenstose  
Registration No. 47,399

JAO:JHB/jhb

Date: October 15, 2007

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

**DEPOSIT ACCOUNT USE  
AUTHORIZATION**

Please grant any extension  
necessary for entry;  
Charge any fee due to our  
Deposit Account No. 15-0461